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19. (First Amended) The method according to claim 1, further including the step of changing the brake assistant system from the third mode of operation into the first mode of operation when the excess elevation function substantially has a value equal to 1.

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### REMARKS

Claims 1, and 17-19 have been amended. No new claims have been added. Claims 11, 13, 15, 16, 20, and 21 have been cancelled. Accordingly claims 1, 10, and 17-19 remain under prosecution in this application.

#### Claim Objections

Claim 13 was objected to because "the momentary value" in the second line from the bottom should have been - - a momentary value - -. The undersigned has included the substance of claim 13 into newly amended claim 1 and has so reflected the examiner's suggested changes into the relevant portion of claim 1.

#### 35 USC §112, Second Paragraph

Claims 16, 20 and 21 are rejected under 35 USC §112, second paragraph as being indefinite. All three of these claims have been cancelled from the application and accordingly the indefiniteness rejection is now believed to be moot.

#### 35 USC §102(b)

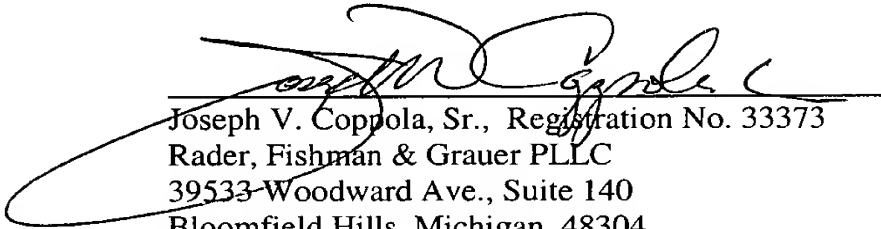
Claims 1, 10, 11, 13, 15, and 17-21 are rejected under 35 USC §102(b) as being anticipated by either Pueschel et al. or Nakanishi et al.

Claim 1 has been amended to incorporate the features of originally submitted claims 13 and 16. None of the references of record teach or suggest the invention set forth in newly

AP9472  
09/530,156

amended claim 1 and accordingly the undersigned believes that claim 1 and its associated dependent claims (claims 10, and 17-19) are now in condition for allowance.

Respectfully submitted,



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**MARKED UP VERSION OF ALL AMENDED CLAIMS**

1. (Thrice Amended) A method of operating a brake assistant system which comprises a first mode of operation in which the brake assist system is not actuated, a second mode of operation in which after recognition of an emergency brake situation a pressure build-up of wheel brakes is generated, and a third mode of operation which is provided for the transition from the second into the first mode of operation, comprising the steps of:

monitoring the master cylinder pressure in the third mode of operation,  
determining when the wheel brake pressure is excessively elevated compared to the monitored master cylinder pressure, and

[diminishing] controlling the amount of excess elevation by functionally correlating the wheel brake pressure with the monitored master cylinder pressure throughout the duration of the third mode of operation, wherein the controlling step further includes determining a momentary value of the wheel brake pressure by multiplying a momentary value of a time-dependent excess elevation function with a momentary value of the master cylinder pressure throughout the duration of the third mode of operation and wherein said controlling step further includes keeping the excess elevation function constant in time intervals in which the master cylinder is increasing.

17. (First Amended) The method according to claim 1 [13], wherein the momentary value of the excess elevation function is a function of a previous course of the master cylinder pressure.

18. (First Amended) The method according to claim 1 [13], further including the step of presetting a maximum value for the excess elevation function.

19. (First Amended) The method according to claim 1 [13], further including the step of changing the brake assistant system from the third mode of operation into the first mode of operation when the excess elevation function substantially has a value equal to 1.